

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 14, 2012

Mr. Richard Waring
Beeson Properties
550 Waugh Drive
Houston, Texas 77019

RE: Municipal Setting Designation (MSD) Certificate for F.W. Gartner
Property and Trinity Metals Property, 6900 and 7010 Old Katy Road,
Houston, Harris County, Texas; MSD No. 199, VCP Nos. 1764 and 1766

Dear Mr. Waring:

Enclosed is the Municipal Setting Designation Certification for the above referenced sites. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at (512) 239-2268 or via e-mail (danielle.lesikar@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "DL for".

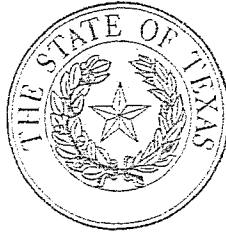
Danielle Lesikar, Technical Specialist
VCP-CA Section
Remediation Division

DEL/mdh

Enclosure

cc: Ms. Nicole Bealle, Waste Section Manager, TCEQ Region 12, Houston

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 199, in the City of Houston, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit in Exhibit "B", provided pursuant to Texas Health and Safety Code §361.804(b)(2)(D). This certificate shall continue in effect so long as the institutional control required by Texas Health and Safety Code §361.8065 is maintained in effect.

Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 3rd day of August, 2012


Zak Covar
Executive Director
Texas Commission on Environmental Quality

Municipal Setting Designation Application 2008-008-BP

Old Katy Road Property
6800, 6900, 7010 and 7020 Old Katy Road
Houston, Texas 77024

TRACT A
METES AND BOUNDS DESCRIPTION
11.142 ACRES (485,338 SQ. FT.)

JOHN REINERMAN SURVEY, ABSTRACT NUMBER 642
CITY OF HOUSTON, HARRIS COUNTY, TEXAS

All that certain 11.142 acres (485,338 square feet) of land situated in the John Reinerman Survey, Abstract 642, Harris County, Texas, and being out of and a portion of a called 5.7923 acre tract conveyed to John Beeson, et al, as described in deed recorded in Harris County Clerk's File Number S906427 and being out of and portion of a called 22.8478 acre tract conveyed to John S. Beeson, Trustee as described in deed recorded under Harris County Clerk's File Number X758312; said 11.142 acre tract being more particularly described by metes and bounds as follows: (Bearings are referenced to the west line a called 6.8779 acre tract conveyed to Trinity Fabricating Co. and recorded in Harris County Clerk's File No. E899294)

COMMENCING at a 4 inch by 4 inch concrete monument found marking the northwest corner of a called 0.6339 acre tract of land conveyed to John S. Beeson per final summary judgment in Case No. 2002-22,286, of the 157th Judicial District, Harris County, Texas, the southwest corner of a called 7.0065 acre tract conveyed to John S. Beeson, Trustee, as described in deed recorded under Harris County Clerk's File Number W681817, and the southeast corner of a called 15.019 acre tract conveyed to Resource Ten Group Limited Partnership and recorded in Harris County Clerk's File No. V219376 and RESOURCE CENTRE, L.T.D., a map or plat of which is recorded in Volume 314, Page. 111, Harris County Map Records;

THENCE, North 89°57'29" West, along the north line of said 0.6339 acre tract, common with the south line of said 7.0065 acre tract, at a distance of 522.02 feet pass the west line of Walne Road (30 feet wide, Private, Volume 2589, Page 348 and Volume 3106, Page 7 of the Harris County Deed Records), same being a 30 feet wide Roadway Easement as described in deed recorded under Volume 6810, Page 358 of the Harris County Deed Records, continuing for a total distance of 552.02 feet to a 60d nail found marking the common southeast corner of said 0.7520 acre tract and said Walne Road, common with the northeast corner of said 0.6339 acre and the northwest corner of a called 0.7520 acre tract of land conveyed to John S. Beeson and Paul Sirota, per final summary judgment in Case No. 2002-22,286, of the 157th Judicial District, Harris County, Texas, and marking the southwest corner of the aforesaid 5.7923 acre tract, common with the southwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, North 00°02'06" East, along the east line of said Walne Road, at a distance of 545.01 feet pass a 60d nail found marking the northwest corner of said 5.7923 acre tract common with an angle point of the aforesaid 22.8478 acre tract, at a distance of 552.70 feet pass a 5/8-inch iron rod found marking the northeast corner of said 7.0065 acre tract, common with an interior corner of said 22.8478 acre tract, common with the northeast corner of said Walne Road, continuing over and across said 22.8478 acre tract for a total distance of 634.00 feet to a point for the northwest corner of the herein described tract;

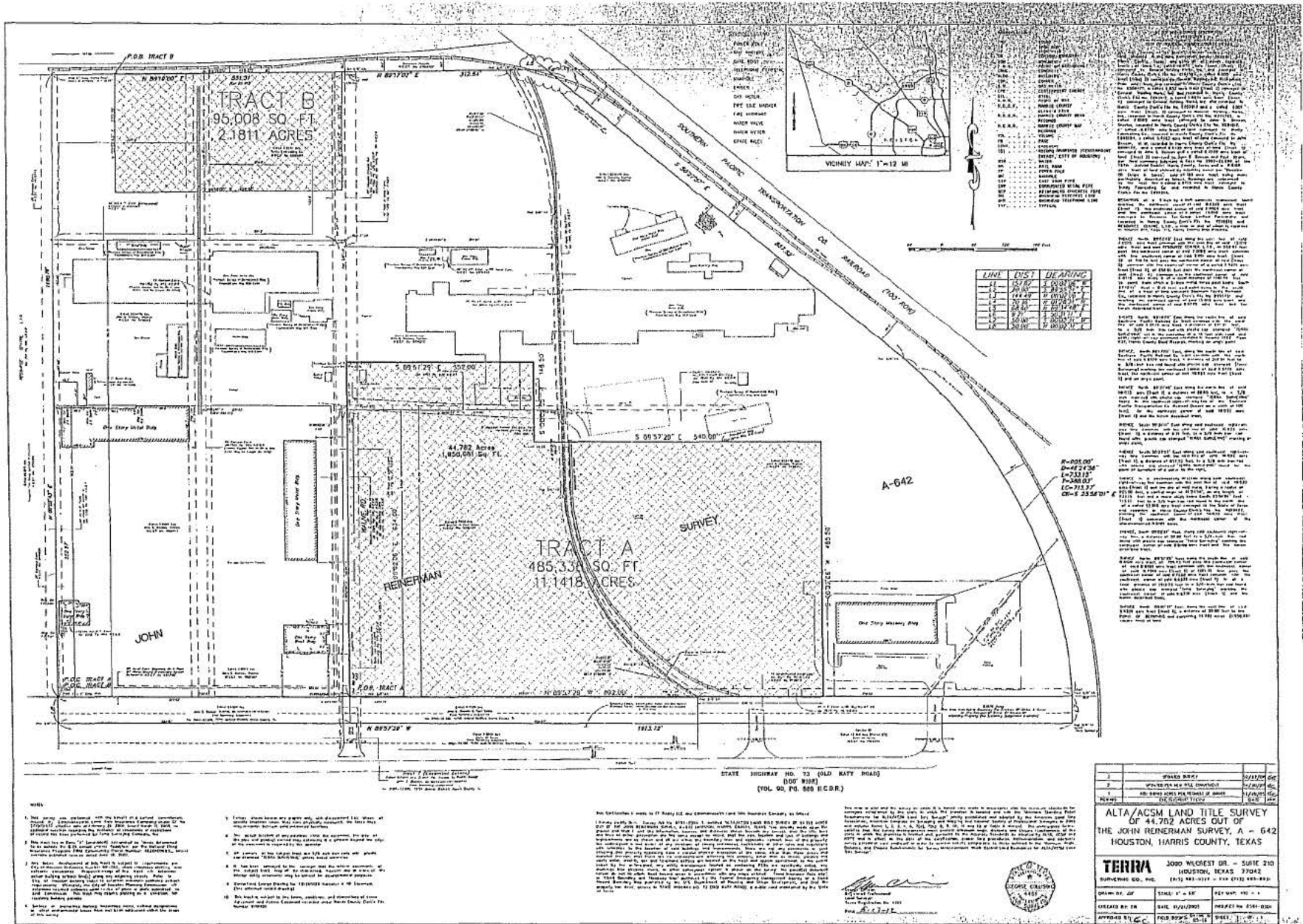
THENCE, South 89°57'29" East, continuing over and across said 22.8478 acre tract, a distance of 352.00 feet to an angle point of the herein described tract;

THENCE, South 00°02'06" West, continuing over and across said 22.8478 acre tract, at a distance of 89.04 feet pass the south line of said 22.8478 acre tract, common with the north line of said 5.7923 acre tract, continuing over and across said 5.7923 acre tract for a total distance of 148.50 feet to an interior corner of the herein described tract;

THENCE, South 89°57'29" East, over and across said 5.7923 acre tract, at a distance of 55.23 feet pass the east line of said 5.7923 acre tract, common with a west line of said 22.8478 acre tract, continuing over and across said 22.8478 acre tract for a total distance of 540.00 feet to the northeast corner of the herein described tract;

THENCE, South 00°02'06" West, over and across said 22.8478 acre tract, a distance of 486.50 feet to a point in the south line of said 22.8478 acre tract, common with the north line of a 0.8109 acre tract of land claimed by adjoining owner per "Doctrine Of Strips & Gores", for the southeast corner of the herein described tract;

THENCE, North 89°57'29" West, along said common line, at a distance of 236.73 feet pass a 5/8-inch iron rod found marking the northwest corner of said 0.8109 acre tract, common with the most westerly south corner of said 22.8478 acre tract, the northeast corner of the aforesaid 0.7520 acre tract and the southeast corner of the aforesaid 5.7923 acre tract, continuing along the south line of said 5.7923 acre tract, common with the north line of said 0.7520 acre tract, for a total distance of 892.00 feet to the **POINT OF BEGINNING** and containing 11.142 acres (485,338 square feet) of land. This description is based on the land title survey made by Terra Surveying Company, Inc. Dated November 21, 2005, last updated February 27, 2008.



1	ALTA	5/21/20	OK
2	WALTER PERKINS ENGINEERING	5/21/20	OK
3	JOHN REINERMAN	5/21/20	OK
4	JOHN REINERMAN	5/21/20	OK

ALTA/ACSM LAND TITLE SURVEY
OF 4.782 ACRES OUT OF
THE JOHN REINERMAN SURVEY, A - 642
HOUSTON, HARRIS COUNTY, TEXAS

TERRA 3000 WILGUST DR. - SUITE 210
HOUSTON, TEXAS 77042
(713) 963-3111 FAX (713) 963-3112

CREATED BY: [Signature] DATE: 5/21/2005 PROJECT NO: 2004-030
CHECKED BY: [Signature] DATE: 5/21/2005 SHEET: 1 OF 1
APPROVED BY: [Signature] DATE: 5/21/2005

**TRACT B
METES AND BOUNDS DESCRIPTION
2.1811 ACRES (95,008 SQ. FT.)**

**JOHN REINERMAN SURVEY, ABSTRACT NUMBER 642
CITY OF HOUSTON, HARRIS COUNTY, TEXAS**

All that certain 2.1811 acres (95,008 square feet) of land situated in the John Reinerman Survey, Abstract 642, Harris County, Texas, and being out of and a portion of a called 6.8779 acre tract of land conveyed to Trinity Fabricating Co., recorded in Harris County Clerk's File No. E899294; said 2.1811 acre tract being more particularly described by metes and bounds as follows: (Bearings are referenced to the west line a called 6.8779 acre tract conveyed to Trinity Fabricating Co. and recorded in Harris County Clerk's File No. E899294)

COMMENCING at a 4 inch by 4 inch concrete monument found marking the northwest corner of a called 0.6339 acre tract of land conveyed to John S. Beeson per final summary judgment in Case No. 2002-22,286, of the 157th Judicial District, Harris County, Texas, the southwest corner of a called 7.0065 acre tract conveyed to John S. Beeson, Trustee, as described in deed recorded under Harris County Clerk's File Number W681817, and the southeast corner of a called 15.019 acre tract conveyed to Resource Ten Group Limited Partnership and recorded in Harris County Clerk's File No. V219376 and RESOURCE CENTRE, L.T.D., a map or plat of which is recorded in Volume 314, Page. 111, Harris County Map Records;

THENCE, North 00°02'43" East, along the west line of said 7.0065 acre tract common with the east line of said 15.019 acre tract and said RESOURCE CENTER, L.T.D., at 552.97 feet pass the northwest corner of said 7.0065 acre tract common with the most westerly southwest corner of a called 22.8478 acre tract conveyed to John S. Beeson, Trustee as described in deed recorded under Harris County Clerk's File Number X758312, at 868.61 feet pass the northwest corner of said (22.8478 acre tract, common with the southwest corner of said 6.8779 acre tract, continuing in all a total distance of 1180.76 feet to point from which a 2-inch metal fence post bears South 27°18'11" West, 0.45 feet, said point being in the south line of a tract of land conveyed Southern Pacific Railroad Co., recorded in Harris County Clerk's File No. B960751 and marking the northeast corner of said 15.019 acre tract;

THENCE, North 89°19'00" East, along the south line of said Southern Pacific Railroad Co. tract, common with the north line of said 6.8779 acre tract, a distance of 117.58 feet to a point for the northwest corner of the herein described tract;

THENCE, North 89°19'00" East, along the south line of said Southern Pacific Railroad Co. tract, a distance of 428.00 feet to a point for the northeast corner of the herein described tract;

THENCE, departing the south line of said Southern Pacific Railroad Co. tract, over and across said 6.8779 acre tract, the following three (3) courses and distance:

South 00°02'43" West, a distance of 222.00 feet to a point for the southeast corner of the herein described tract:

South 89°19'00" West, a distance of 428.00 feet to a point for the southwest corner of the herein described tract;

North 00°02'43" East, a distance of 222.00 feet to the **POINT OF BEGINNING** and containing 2.1811 acres (95,008 square feet) of land. This description is based on the land title survey made by Terra Surveying Company, Inc. Dated November 21, 2005, last updated February 27, 2008.

Exhibit B
Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared John S. Beeson, Trustee, as an authorized representative of _____, known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

I affirmatively state that (place an X in all applicable blanks)

- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed MSD property is included with the application.
- Notice has been provided in accordance with THSC 361.805.
- A copy of an ordinance or restrictive covenant and any required resolutions are provided in this application or will be provided before the executive director certifies this application.

John S. Beeson
Signature *John S. Beeson Trustee*
John S. BEESON
Printed Name

Date: 5/14/12

Owner + Trustee
Title

STATE OF TEXAS
COUNTY OF HARRIS

SUBSCRIBED AND SWORN before me on this the 14th day of May 2012, to which witness my hand and seal of office.

Leonor C. Chavez
Notary Public in and for the State of 10-23-15

